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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,005	10/20/1999	KOTA ARIYAMA	1614.1003	3533
21171	7590	11/25/2003	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MYERS, PAUL R	
		ART UNIT		PAPER NUMBER
		2189		
DATE MAILED: 11/25/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/421,005	ARIYAMA, KOTA	
	<b>Examiner</b> Paul R. Myers	<b>Art Unit</b> 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 September 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6, 8, 10-11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gase et al PN 5,580,177.

In regards to claims 1, 6, 8, 10-12 and 14-15: Gase et al teaches a server (16) to which an operating client (10,12 or 14) and a peripheral apparatus (18, 20 or 22) to be operated by said operating client (10, 12 or 14) are connected, said server functioning as a peripheral server (file server - operates printers see abstract) with which the operating client (10, 12 or 14) operates the peripheral apparatus (18, 20 or 22), the server comprising: an instruction information storing part (Memory 34) which stores a set of operating instructions (printer drivers) to be used by said client apparatus (downloaded to client) to operate the peripheral apparatus (18, 20 or 22) via the server; and an instruction information send part (32) which reads said set of operating instructions (driver) from said instruction information storing part (34) in response to a request (print request) from said operating client (10, 12 or 14) and in further response sends (downloads) said instruction information (driver) to said operating client (10, 12 or 14), wherein

the request (print request) is a request of the operating client (10, 12 or 14) to operate the peripheral apparatus (18, 20 or 22).

In regards to claims 3-4, 12: Gase et al teaches handling different protocols including protocol conversion. (Column 3 lines 29-50)

In regards to claim 5: Gase et al teaches the apparatus being a printer (18 or 20).

In regards to claim 13: Gase et al teaches multiple clients.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase et al PN 5,580,177 in view of Ooki PN 5,991,846.

In regards to claims 2, 7 and 9: Gase et al teaches the printer driver downloading as described above. Gase et al further teaches if the driver is not available on the server uploading the driver from another location. In this case client processor 14 which serves as an overall system administrator. (See column 4 lines 27-34). Gase et al does not teach the location from which the driver can be uploaded being a printer. Ooki teaches that information relating to the characteristics of a printer includes the printer driver and that information relating to the characteristics of a printer may be stored in a ROM or the like of the printer. (Column 6 lines 4-20). It would have been obvious to a person of ordinary skill in the art at the time of the

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invention to retrieve operating instructions from the apparatus to be operated because this would have allowed for quickly adding of new printers.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PN 5,228,118 to Sasaki teaches downloading printer control characteristics from a printer to a computer.

PN 6,003,069 to Cavill teaches downloading printer driver information to a client.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 703 305 9656. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703 305 4815. The fax phone number for the organization where this application or proceeding is assigned is 703 746 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.



PRM  
November 20, 2003